



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,207	05/29/2001	Donald Gale	6802-82887	6159
7590	01/14/2004		EXAMINER	
Welsh & Katz, Ltd. Jon P. Christensen 22nd Floor 120 South Riverside Plaza Chicago, IL 60606			YOUNG, JOHN L	
			ART UNIT	PAPER NUMBER
			3622	
DATE MAILED: 01/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/867,207	Applicant(s) Gale et al.
	Examiner John Young	Art Unit 3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Oct 17, 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 25-48 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 25-48 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

4) Interview Summary (PTO-413) Paper No(s). _____
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

Art Unit: 3622

APPLICATION ON APPEAL WITHDRAWAL OF FINALITY OF PAPER # 15

OFFICE ACTION REJECTION (PAPER # 19)

1. The finality of the rejection of the prior Office Action (paper#12) on appeal (paper#17) is withdrawn because the prior Office Action improperly maintained the Official Notice obviousness rejections of claims 1, 11, 14 & 15.

STATUS OF THE CLAIMS

2. Claims 25-48 are pending.

DRAWINGS

3. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS — 35 U.S.C. §102

The following is a quotation of 35 U.S.C. §102 (b) which forms the basis of the novelty rejections set forth in this Office action:

(b) the invention was patented or described in a printed

Art Unit: 3622

publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Independent claims 25, 35 & 45 are rejected under 35 U.S.C. §102 (b) as being anticipated by Meyer 6,157,943 (12/5/2000) (herein referred to as “Meyer”).

As per independent claim 25, said claim is drafted so broadly that Meyer (the ABSTRACT; FIG. 3; FIG. 2; FIG. 4; FIG. 5; col. 1, ll. 33-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; and col. 7, ll. 1-45) shows “managing a real estate unit by a real estate manager from a remote location . . . providing a website for use by the real estate manager in managing the real estate unit . . . accessing a server by the real estate manager from a remote location through the website of the server provided for use by the real estate manager . . . downloading a webpage to the real estate manager containing a set of options regarding the managing of the real estate unit from the website to the real estate manager at the remote location . . . selecting at least one of the options by the real estate manager . . . Embedding a subroutine within the webpage activated by selection of the option by the manager that composes a message identifying a computer program within the server associated with the selected option . . . uploading the composed message associated with the selected option from the remote location to the server; and executing the computer program associated with the selected option within the server.”

Therefore, Meyer discloses the inventive concept of the claimed invention recited in claim 25; thus, the elements of claim 25 read on the disclosure of Meyer cited above.

Independent claim 35 is rejected for substantially the same reasons as independent claim 25.

As per independent claim 45, Meyer (the ABSTRACT; FIG. 3; FIG. 2; FIG. 4; FIG. 5; col. 1, ll. 33-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; and col. 7, ll. 1-45) shows “managing a real estate unit by a real estate manager from a remote location . . . a website provided for use by the real estate manager in managing the real estate unit . . . a remote processor used by the real estate manager to access a server from a remote location through the website of the server provided for the real estate manager . . . a website used to download a webpage containing a set of options to the real estate manager regarding the managing of the real estate unit from the website to the remote location . . . a cursor used by the real estate manager to select at least one of the options thereby providing a selected option of the set of options . . . the application program within the server used to execute the uploaded selected option.”

Furthermore, Meyer (col. 4, ll. 1-67) inherently shows “an applet within the remote processor used to upload an identifier of an application program associated with the selected option from the remote location to the server. . . .” by showing “*Embedding*

Art Unit: 3622

(OLE) . . . software interfaces based on process control. . . .” Alternatively, a interface program using a proprietary process control protocol. . . . [or] a plurality of files such as HTML . . . files. . . .”

Therefore, Meyer inherently discloses the inventive concept of the claimed invention recited in claim 45; thus, the elements of claim 45 read on the disclosure of Meyer cited above.

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Dependent claims 26-34, 36-44 & 46-48 are rejected under 35 U.S.C. §103(a) as being unpatentable over Meyer.

As per claims 26-34 Meyer shows the method of claim 25 and subsequent base claims depending from claim 25.

Meyer shows elements that suggest the elements and limitations of claims 26-34 even though Meyer lacks an explicit recitation of the elements and limitations of claims 26-34.

“Official Notice” is taken that both the concepts and the advantages of the

Art Unit: 3622

elements and limitations of claims 26-34 were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and the advantages would have provided means for accessing "*facility management systems via the Internet.* . . ." (see Meyer (col. 1, ll. 60-65)).

As per claims 36-44 Meyer shows the method of claim 35 and subsequent base claims depending from claim 35.

Meyer shows elements that suggest the elements and limitations of claims 36-44 even though Meyer lacks an explicit recitation of the elements and limitations of claims 36-44.

"Official Notice" is taken that both the concepts and the advantages of the elements and limitations of claims 36-44 were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and the advantages would have provided means for accessing "*facility management systems via the Internet.* . . ." (see Meyer (col. 1, ll. 60-65)).

As per claims 46-48 Meyer shows the method of claim 45 and subsequent base claims depending from claim 45.

Meyer shows elements that suggest the elements and limitations of claims 46-48 even though Meyer lacks an explicit recitation of the elements and limitations of claims 46-48.

Art Unit: 3622

“Official Notice” is taken that both the concepts and the advantages of the elements and limitations of claims 46-48 were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and the advantages would have provided means for accessing “*facility management systems via the Internet. . .*” (see Meyer (col. 1, ll. 60-65)).

RESPONSE TO ARGUMENTS

6. Applicant's arguments filed 10/17/2003 (Appeal Brief, paper#18) have been considered fully but are not persuasive for the following reasons:

Applicant's arguments are moot in view of the withdrawal of finality of the prior Office action and new grounds of rejection introduced herein.

CONCLUSION

7. Any response to this action should be mailed to:

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:
(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or
(703) 305-7687 (for formal communications marked AFTER-FINAL) or
(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Art Unit: 3622

Hand delivered responses may be brought to:

Seventh Floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



John L. Young
Primary Patent Examiner

January 12, 2004